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ABSTRACT

Policy issues related to the concept of least restrictive environment (LRE) as required in P.L. 94-142, the Education for All Handicapped Children Act are reviewed and alternatives considered. Relevant legislation and litigation are reviewed in Chapter I, while the evolution of educational practice is illuminated in Chapter II in such special education models as the Instructional Cascade Model. An operational definition of LRE is offered which suggests that instruction and services must also be considered with actual placement. Chapter III addresses decision making considerations regarding LRE and lists four policy options areas: curricular adaptations, methodological adaptations, behavioral adaptations, and environmental adaptations. These options are further examined in Chapter IV. A final chapter describes results of a field evaluation of the report. (CL)

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POLICY OPTIONS REGARDING INFORMATION SUPPLIED TO DECISIONMAKERS TO DETERMINE THE LEAST RESTRICTIVE ENVIRONMENT APPROPRIATE FOR EACH HANDICAPPED CHILD

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Policy Options Project
February 1979

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TABLE OF CONTENTS

		Page
	INTRODUCTION	1
I.	A SELECTED REVIEW OF LEGISLATION AND LITIGATION RELATED TO THE CONCEPT OF LEAST RESTRICTIVE ENVIRONMENT	5
	COMPARING P.L. 94-142 and SECTION 504	5
	LEGISLATION AND LITIGATION	8
	The Right to the Least Restrictive Alternative	8
	The Right to Equal Protection of the Law	13
	The Right to Due Process	15
	POLICY CONSIDERATIONS AND SUMMARY OBSERVATIONS	17
II.	THE LEAST RESTRICTIVE ENVIRONMENT: EVOLVING EDUCATIONAL PRACTICE	20
	THE EVOLUTION OF SPECIAL EDUCATION MODELS	21
	Reynolds' Model (1962); Figure 1	22
	Deno's Cascade of Services (1970); Figure 2	24
	Aloia's Horizontal Continuum (1978); Figure 3	26
	The Revision of the Cascade Model; Figure 4	30
	Options within a Continuum of Services Delivered; Figure 5	31
	The Belief of Mainstreaming	32
	The Instructiontional Cascade Model of Reynolds and Birch (1977); Figure 6	33
	POLICY CONSIDERATIONS AND SUMMARY OBSERVATIONS	34
III.	COMPONENTS OF INFORMATION DECISIONMAKERS SHOULD CONSIDER TO DETERMINE THE LEAST RESTRICTIVE ENVIRONMENT	36
	SPECIAL EDUCATION, RELATED SERVICES AND THE IEP	37
	SPECIALLY DESIGNED INSTRUCTION	38
	POLICY OPTION AREA #1: CURRICULAR ADAPTATIONS	39

Page

Figure 7: Phase 1 and 2 of Needed Information for LRE Decisions 40

POLICY OPTION AREA #2: METHODOLOGICAL ADAPTATIONS 43

Partial List of Methodological Adaptations 43

Figure 8: Phase 3 of Needed Information for LRE Decisions 44

POLICY OPTION AREA #3: BEHAVIORAL ADAPTATIONS 45

Figure 9: Phase 4 of Needed Information for LRE Decisions 46

POLICY OPTION AREA #4: ENVIRONMENTAL ADAPTATIONS 47

Partial List of Environmental Adaptations 48

Figure 10: Phase 5 of Needed Information for LRE Decisions 49

SUMMARY OBSERVATIONS 50

IV. TOWARD AN APPLICATION OF THE POLICY COMPONENTS 52

POLICY OPTION AREA #1: CURRICULAR ADAPTATIONS 53

POLICY OPTION AREA #2: METHODOLOGICAL ADAPTATIONS 54

POLICY OPTION AREA #3: BEHAVIORAL ADAPTATIONS 55

POLICY OPTION AREA #4: ENVIRONMENTAL ADAPTATIONS 55

V. THE LEAST RESTRICTIVE ENVIRONMENT: A PROFILE DATA ANALYSIS REPORT 57

EVALUATORS 57

RETURN RATE 57

CONTENT OVERVIEW AND POLICY RESPONSES 58

Curricular Adaptations 59

Methodological Adaptations 59

Behavioral Adaptations 60

Environmental Adaptations 61

CONCLUDING STATEMENTS 61

Page

APPENDIX A - THE LEAST RESTRICTIVE ENVIRONMENT: SELECTED STATUTES AND REGULATIONS 69

REFERENCES 74

INTRODUCTION

When discussing any aspect of providing special education and related services to handicapped students, one issue continually surfaces as dominant in education and policymakers' concerns. This one area that provides so much discussion has come to be referred to as the least restrictive environment (LRE). Recent federal mandates assure that all handicapped students have available to them a free appropriate public education in the least restrictive environment.

In January 1978, under the aegis of the Policy Options Project, The Council for Exceptional Children undertook a preliminary survey of policymakers to explore current and emerging policy issues relative to the education of exceptional children. One of the highest ranking policy issues was that classified as least restrictive environment. In one respect, the issue of least restrictive environment is not a "policy issue" in that historical documentation of both public policy and educational practice indicates that more expansive outlooks, beliefs, and placement options occur now than ever before for handicapped children in the United States. But further exploration, definition, and refinement reveal that there are specific researchable policy options related to this issue.

What then is the policy issue(s) surrounding the least restrictive environment provisions? As attempts are made to present valid responses to this question throughout this policy options paper, the reader is reminded of the definition(s) and ramifications of policy. As defined by Webster (1976), policy is "a principle, plan, or course of action, as pursued by government, organization, individual, etc." Haynes et al. (1975) emphasize the impact of policies on the decisionmaking process within a group: "Policies are plans--guides to action. More specifically, policies include a body of understanding (generally known by members of the group) that makes the action of each member in a given set of circumstances more predictable to other members" (p. 13). Policy formulation and implementation can

result in specifying alternatives for systematically shaping the outcome of an unknown future (Johnson, 1975).

Public policy should serve as the basis for all educational decisionmaking, and since a vacuum of appropriate public policy for the education of handicapped children existed, The Council for Exceptional Children adopted a broader working definition of policy. Policy is defined as "any administrative decision or judicial decision, board action, rule or regulation or statute that is recorded and available in writing bearing directly or indirectly on the education of exceptional children" (SEAP, 1975). Since policy development is an evolving process open to expansion and refinement, it is possible to identify three levels or types of policies for the establishment and implementation of a free appropriate public education for each handicapped child (Higgins and Barresi, 1979).

- Type I policies can be characterized as those policies which insure individual rights and protections by establishing the philosophy and principle of the public policy base.
- Type II or resource distribution policies are those that require distribution of time, fiscal, human and material resources necessary to put principle into practice.
- Type III policies govern the precise manner in which policy becomes practice such as how dollars are actually spent within alternatives proposed by the other two types of policy.

The policy options explored throughout this paper are not directly concerned with "what is vs. what should be," but rather address those issues impacting on a second type of policy development. This second type of policy development goes beyond minimal compliance requirements by identifying those policies and options that require resource distribution, including time, money, human and material resources. The primary thrust of this paper will be to explore Type II policies that are needed so that appropriate information can be considered by decisionmakers in order to determine the least restrictive environment appropriate for each exceptional child. By providing significant information to education administrators and decisionmakers, alternative policies can be formulated to assure that

the needed educationally related services required to implement the LRE provisions for each handicapped child can be delivered.

Educational policies and procedures reflecting evolving policy development related to handicapped children will be cited in selected laws, judicial decrees, and administrative and pedagogical practices. By reviewing past and present policies, procedures, and practices, decisionmakers can systematically anticipate future directions of policy development for exceptional persons.

A legal rationale for the policy base of least restrictive environment provisions to the handicapped will be established in Chapter I. The purpose of this selected, historical review of legislation and litigation will be to identify the basic requirements of LRE provisions and the applications of selected interpretations. At the end of Chapter I, an understanding of "baseline policy provisions" should exist.

The second section of this paper will highlight selected educational practices in an attempt to expand the application of the LRE provisions to multiple options for handicapped children. Historically, a child's handicapping condition determined his/her placement. Particular emphasis in both Chapter I and Chapter II will be to document the expansion of the interpretation options available for LRE.

By tracing the development of the expansion of more variable than one (placement) to define the LRE, a specific question surrounding implementation occurs: What information is required by decisionmakers in order to implement the individual LRE provisions for each exceptional child? Previous interpretations have presented educators, legislators, and other policymakers with a somewhat limited translation of the meaning of the least restrictive environment concept. Policymakers at present are often inclined to equate the concept of LRE with regard to the education of handicapped children as meaning "placement." This policy options paper will expand the LRE concept by identifying the potential positive and negative affects of existing or proposed policies.

Exploration of the components of information that decisionmakers should consider in order to implement the least restictive environment provisions will be explored in Chapter III. Chapter IV will present specific policy statements and alternatives required to identify the information necessary to be considered by decisionmakers in order to implement LRE provisions for each exceptional child. Finally, Chapter V will include an analysis of the responses of key policymakers across the country during the extensive field review of the initial draft of this policy options paper.

CHAPTER I

A SELECTED REVIEW OF LEGISLATION AND LITIGATION RELATED TO THE CONCEPT OF LEAST RESTRICTIVE ENVIRONMENT

The purpose of this chapter is to present a brief historical overview of the legislation and litigation related to the concept of least restrictive environment. Two key federal provisions, Public Law 94-142 and Section 504 of the Rehabilitation Act of 1973, will be analyzed to identify mandated least restrictive environment requirements. Policy implications will also be drawn from selected litigative decisions. These decisions mandated that all handicapped children have available to them a free appropriate public education which requires special education and related services to meet their unique needs.

COMPARING P.L. 94-142 AND SECTION 504.

On November 29, 1975, President Gerald Ford signed into law legislation passed by the United States Congress that has subsequently been referred to as "comprehensive civil rights provisions" regarding the education of handicapped students. These provisions became Public Law 94-142, the Education for All Handicapped Children's Act of 1975. According to Ballard (1977) P.L. 94-142 has four major incentives:

- To guarantee the availability of special education programming to handicapped children and youth who require it.
- To assure fairness and appropriateness in decisionmaking about providing special education to handicapped children and youth.
- To establish clear management and auditing requirements and procedures regarding special education at all levels of government.
- To financially assist the efforts of state and local government through the use of federal funds.

Concurrent to the guarantees set forth in P.L. 94-142, there exists yet another set of legislative safeguards for the handicapped. Enacted through the legislative vehicle of P.L. 93-112, the Rehabilitation Act Amendments of 1973, the basic civil rights provision to terminate discrimination against America's handicapped citizens is known as Section 504. Some correlaries exist betwen both statutes and in some sections, duplicate or near duplicate language appears. P.L. 94-142 applies to all handicapped children ages 3 to 21 inclusive who require special education and related services. Because Section 504 applies to all handicapped Americans regardless of age, it therefore applies to all handicapped children aged 3 to 21 with respect to their public education "both from the standpoint of the guarantee of an appropriate special education and from the standpoint of sheer regular program accessibility (Ballard, 1977, p. 1.). (Refer to Appendix A for the actual language of pertinent sections of P.L. 94-142 and Section 504 and their subsequent regulations relating to the LRE mandates.)

In the language of the Congress, in the Statement of Findings and Purpose of P.L. 94-142:

> (c) It is the purpose of this Act to assure that all handicapped children have available to them, within the time periods specified in section 612 (2) (B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.

The first of these purposes, a "free appropriate public education" is defined as having the following four components:

> (18) The term 'free appropriate public education' means special education and related services which (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State educational agency, (C) include an appropriate preschool, elementary, or secondary school education in the State involved, and (D) are provided in conformity with the individualized education program required under section 614 (a) (5).

In order to assure a "free appropriate public education," P.L. 94-142 further requires that "In order to qualify for assistance under this part in any fiscal year, the State shall demonstrate" (Sec. 612) that appropriate procedures have been established to assure that:

> ...to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Sec. 612 (5) (B))

Section 504 reaffirms this requirement by mandating that recipients of federal financial assistance:

> ...shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. (Sec. 84.34 (a))

Both laws require that handicapped children receive their education with non-handicapped children "to the maximum extent appropriate." This requirement is not new to either law or education. This concept, known and referred to as the "doctrine of least restrictive alternative" has been fixed in the courts. The interpretations and adaptations for use on behalf of handicapped children can be traced historically. The applications of the least restrictive alternative doctrine, like educational theories, are evolutionary. The roots of practice for handicapped children lie in selected laws, litigation and adaptations gleaned from professional literature. Interpretations, across time, have presented education and educators with a somewhat limited translation of the meaning of the least restrictive environment. Today, most educators equate the concept of least restrictive environment with regard to handicapped children as

solely meaning "placement."

If this interpretation of LRE is not broadened, educational policymakers may make decisions based on limited information that are detrimental to handicapped persons. What is needed is a more comprehensive interpretation presenting decisionmakers with a data base fostering a variety of options so that appropriate decisions can be made on behalf of each exceptional child.

LEGISLATION AND LITIGATION

The formulation of policy and procedural options relative to the educataional concept of LRE is based on three broad legal principles:

- The right to the least restrictive alternative.
- The right to equal protection of the law.
- The right to due process.

Affirmation of these legal principles for the handicapped are affecting changes not only in American educational practice, but in employment procedures, program and building accessibility as well as health, welfare and social services. Further exploration of the above mentioned rights is necessary to delineate the applications regarding the provisions of an appropriate education for each exceptional child.

The Right to the Least Restrictive Alternative.

Applications of the least restrictive alternative doctrine have been a long standing practice of American jurisprudence. According to Wormuth and Mirkin (1964), the emergence of this doctrine was based on the assumption that "in due process cases, the objective of state legislatures can be achieved by a measure which trenches deeply into the value of liberty or property" (p. 255). Since the placement of a handicapped person in a restrictive environment involves a potential deprivation of his/her liberty, the doctrine of the least restrictive

alternative serves to limit the state's interference with that liberty to the least drastic manner possible (Soskin, 1977). Consequently, the freedom of a handicapped person may not be curtailed by any form of government action to any greater extent than is necessary to secure a particular interest (Chambers, 1976). Within the context of judicial litigation, the United States Supreme Court (1960) declared that in judging governmental actions:

> ...even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle personal liberties when the end can be more narrowly achieved. (Shelton v. Tucker, 364 U.S. 479, 488 (1960))

This Supreme Court interpretation served, until recently, as the basis for the determination of what was least restrictive to that person injured by the state's action. Recent Supreme Court rulings (American Party of Texas v. White, (1974); Lubin v. Panish, (1974); Storer v. Brown, (1974), have determined that the "Court found a fundamental interest, and legitimate and compelling state interests...each of which turned upon the existence (or non-existence) of alternative means" (Bastress, 1974, pp. 1000-1001). These rulings were significant because they showed a "willingness of the Court to accept an alternative that was less restrictive (for the plaintiff) even though it was already not the least restrictive" (Bastress, 1974 p. 1001).

Previously, the Supreme Court established guidelines in two desegregation cases, McLaughlin v. Florida (1964) and Loving v. Virginia (1967) for determining when a state action was offensive to an individual's constitutional rights. The Supreme Court ruled that unless a state is able to justify racial distinctions, differentiations, and classifications as essential to the accomplishment of an otherwise permissible state policy, these approaches are constitutionally offensive (Weintraub, 1972).

Historically, the Court's interpretations allowed for alternatives and recognized that there exists a "continuum" of alternatives that can be thought of in terms of degrees of restrictiveness. These interpretations can set the groundwork for further application of alternatives regarding the appropriate education of exceptional persons.

Judicial application of the least restrictive alternative doctrine regarding the education of the handicapped was first documented in the early 1970's. The court decree in the case of Pennsylvania Association for Retarded Citizens (PARC) v. Commonwealth of Pennsylvania (1971), determined that all mentally retarded children have a right to an education. In an application of the least restrictive alternative doctrine, the Court commented:

> ...within the context of a presumption that, among the alternative programs of education and training required by statute to be available, placement in a regular public school class is preferable...to placement in any other type of education and training. (Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1260, (E.D. Pa. 1971).

Similarly, in Mills v. Board of Education (1972) a decision was achieved in a right to education for all handicapped children, not just for those who are mentally retarded. Again, the emphasis was on the delivery of educational services suitable to a handicapped child's needs. The plaintiff children alleged that they were denied an opportunity for an education and were excluded from educational programs arbitrarily without proper due process procedures as required by the Fifth and Fourteenth Amendments.

The Court in essence supported their arguments and on August 1, 1972, Judge Joseph Waddy ordered:

> That no child eligible for a publicly supported education in the District of Columbia public schools shall be excluded from a regular public school assignment by a rule, policy, or practice of the Board of Education of the District of Columbia or its agents unless such child is provided: (a) adequate alternative educational services suited to the child's needs, which may include special education or tuition grants; and (b) a constitutionally ade-

> quate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative. (Mills v. Board of Education of District of Columbia, 348 F. Supp. 866 (D.D.C. 1972))

Application of numerous court findings have continued to expand these basic rights. An analysis of selected court decisions in Diana v. Board of Education (1970), Wyatt v. Stickney (1972), Larry P. v. Riles (1972), LeBanks v. Spears (1973), New York State Association for Retarded Children v. Carey (1975), Dixon v. Weinberger (1975), and Mattie T. v. Holladay (1977) among others, are based on the legal principle of the least restrictive alternative and relate to an individual's right to placement within a particular school or societal setting.

In exploration of the applicability of the least restrictive alternative principle to the education of the handicapped, several factors can be identified to expand the interpretation of LRE. Abeson, Bolick, and Hass (1974) concluded that:

> The basis of this entire concept is the existence of a variety of options or program settings that can be used to provide education to handicapped children depending on their individual needs. Some legal theorists have indicated that a decision to place a handicapped child in any setting other than that used for his non-handicapped peers is inherently restrictive, and consequently, a deprivation of individual liberty, a circumstance which demands due process of law (p. 16).

The plaintiffs in Egan v. The School Administrative District #57 (1978) charged that a school district decision to transfer an educable retarded child from a public school to a regional school for the handicapped violated P.L. 94-142. The handicapped child had been attending a special program within a regular public school and was integrated in selected programs with her nonhandicapped peers. The Court upheld the plaintiff's claims on grounds that P.L. 94-142 and Section 504 mandate that educational services must be provided in the least restrictive environment appropriate. Since the child was making substantial educational progress, it was determined that her placement was appropriate. The Egan case

is significant because it marks the first time an individual suit, as opposed to a class action suit, has been decided in a federal court on the grounds of the "least restrictive environment."

In discussing his perspective on models for alternative programming for handicapped children, Johnson (1975) comments on the right of handicapped children to have access to the regular education program and states:

> This doctrine represents, for handicapped children, the right to be educated in the regular class, however defined, unless clear evidence is available that partial or compete removal is necessary. Factors idiosynratic to school districts (such as organizational arrangements, technological differences in delivery systems, agency jurisdictional problems, and/or lack of adequate local, state, or federal financial support) may not be considered as reasons for abrogating the right of an individual child to the least restrictive alternative necessary to meet his/her unique educational needs (p. 157).

It is interesting to note that both the court findings and selected education practitioners were describing the adaptation of the least restrictive alternative doctrine for handicapped children solely in terms of where the child was to be educated (Least Restrictive Environment (LRE)=Placement (P)). It is true that the multiplicity of alternatives increases the flexibility of delivering appropriate education to exceptional children. It will be the purpose of this paper, however, to go beyond the equation of LRE=P in order to provide a wider variety of information and policy options to decisionmakers. Such a methodology will present educational policymakers with a variety of alternatives based on pertinent information to enable them to implement effectively the least restrictive environment mandates of P.L. 94-142 and Section 504.

While the courts have interpreted the applicability of the least restrictive alternative doctrine to the education of handicapped children, this requirement alone does not assure the provision of a free appropriate education

for each of those children. The right to equal protection of the law and the right to due process procedures also have implications for determining what constitutes an appropriate education for handicapped children. It is for this reason that selected legal and legislative requirements will be explored so that the reader will have a more comprehensive basis for determining educational alternatives appropriate to each handicapped child.

The Right to Equal Protection of the Law.

The requirements and practice of provision of education commensurate with the educational needs of the handicapped child in the least restrictive environment is also predicated on an individual's right to equal protection of the law. The Fourteenth Amendment guarantees that no state shall "deny to any person within its jurisdiction the equal protection of the laws."

As McCarthy (1977) has noted, this constitutional provision has been interpreted to mean that government action cannot discriminate among persons in a given situation unless it can be demonstrated that differential treatment is justified to achieve a valid goal. While the Constitution does not specifically guarantee the right to an education, it does secure the right "to equal treatment where the state had undertaken to provide public education to the persons within its borders." (Fleming v. Adams, 377 F. 2d 975 (10th Cir. 1967)). Application of this principle to minority groups began with the now famous civil rights case of Brown v. Board of Education (1954). In ruling, the Supreme Court argued that:

> Education is perhaps the most important function of state and local government...Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is

> doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity where the state has undertaken to provide it is a right which must be made available to all on equal terms. (Brown v. Board of Education, 347 U.S. 483, 493, 74 S. Ct. 686, 691, 98 L.Ed. 873 (1954))

Since the Brown decision, the Courts have consistently ruled that where the state has undertaken to provide public education for some, the right must be made available to all on equal terms. While the Brown case focused attention on the injustices suffered by a racial minority, the legal principles and issues involved relate to other minorities including the handicapped as they seek equal protection of the law. This United States Supreme Court decision which ruled de jure school segregation unconstitutional is usually credited with starting the shift in school law toward broader constitutional and public policy concerns (Kirp and Yudof, 1974).

The Brown decision overturned the principle of "separate but equal" by supporting minority children and their advocates who perceived the separation as a stigma. Since not all children have similar capabilities for common education attainment, Weintraub and Abeson (1972) emphasize that "educational equality should be defined as equality of accesss to different resources to attain different individual goals" (p. 1056). Application of this principle to the handicapped requires, at a minimum, that access to all available educational resources occur for those who are handicapped as well as for those who are not. In an attempt to further clarify the application of resources on behalf of the handicapped child, both P.L. 94-142 and Section 504 require that nonacademic and extracurricular services and activities be provided to the maximum extent appropriate to meet the needs of the handicapped child. P.L. 94-142 also requires that each handicapped child participate with nonhandicapped children and defines the opportunities which, at the least, must be considered accessible for handicapped children. These include, in addition to meals and recess (Section 121a. 553):

> ...counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the public agency and assistance in making outside employment available. (Section 121a.306)

Therefore, it is apparent that decisions regarding the least restrictive environment appropriate for each handicapped child must consider the aforementioned activities. Guarantees of equal protection of the law for the handicapped have contributed to the broadening of the rights set forth under the least restrictive alternative doctrine. Exploration of the right to due process procedures as they pertain to the provision of an appropriate education for each handicapped child must occur in order to determine if alternatives exist which would contribute to the expansion of the interpretation of the application of the least restrictive alternative.

The Right to Due Process.

The relationship between due process and appropriate education of exceptional children in the least restrictive environment according to Abeson, Bolick and Hass (1974) is "extremely close." They suggest, in an application of the least restrictive alternative doctrine that:

> Due process establishes the procedures that require the school to consider all program alternatives and to select that setting which is least restrictive. This application of due process relates directly to that clause of the Fourteenth Amendment to the United States Constitution which declares that 'no state shall... deprive any person of life, liberty, or property without due process of law.' (p. 16)

Recent decisions by the United States Supreme Court (Kent v. U.S., (1966); In Re Gault, (1967); Tinker v. Des Moines School District, (1969) have dealt more directly with the issue of adult procedural protections and their applicability to children. The Court has consistently moved to a position of affirming due process rights for children (Goss v. Lopez (1975) and Woods v. Strickland (1975). Subsequent state and federal legislation on behalf of children bear these

procedural requirements. With respect to the appropriate education of handicapped children, the Congress recognized that procedural safeguards were necessary at each point in the process of making educational decisions for the child. Therefore, P.L. 94-142 (Sec. 615) sets forth specific requirements that allow for input by parents, and where appropriate, the child at the referral, evaluation, determination of eligibility, development of the individual education program, and placement decisions of the handicapped child.

For purposes of further interpretation of the statute, the regulations for P.L. 94-142 (Sec. 121a.552) set forth specific requirements that elaborate on the requirements surrounding decisions made about the least restrictive environment appropriate for each handicapped child. Specifically, the following is required:

(a) Each handicapped child's educational placement:

  (1) Is determined at least annually,
  (2) Is based on his or her individual educational program, and
  (3) Is as close as possible to the child's home;

(b) The various alternative placements included under Section 121a.551 (Continuum of Alternative Placements) are available to the extent necessary to implement the individualized education program for each handicapped child;

(c) Unless a handicapped child's individualized education program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped; and

(d) In selecting the least restrictive environment, consideration is given to any potential harmful affect on the child or on the quality of services which he or she needs.

As was previously cited, Section 504 duplicates these requirements by setting forth provisions regarding decisions surrounding the educational and noneducational settings appropriate for each handicapped child, including but not limited to consideration of the academic setting, taking into account the proximity of the alternate setting to the person's home (Section 84.34 (a) and Section 121a.552),

nonacademic settings, and the availability of comparable facilities. Section 504 further amplifies the decisions regarding the least restrictive environment for the handicapped child to include consideration of counseling services (specifying the condition that handicapped students not be counseled toward more restrictive career objectives than nonhandicapped students with similar interests and abilities, Section 84.37), physical education, and athletics.

POLICY CONSIDERATIONS AND SUMMARY OBSERVATIONS

A review of selected aspects of public policy on behalf of the appropriate education of exceptional children as traced through emerging legislation and litigation identifies minimal policy and procedural requirements that education agencies must adhere to in order to provide a free appropriate education to each exceptional child in the least restrictive environment.

From the above analysis of legislation and litigation relating to LRE, each state and local education agency should now have operative the following baseline policies:

1. All handicapped children have a right to be educated with their nonhandicapped peers to the maximum extent appropriate.
2. A continuum of alternative placements including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions must be available for each handicapped student to provide a free appropriate public education.
3. Recommendations for the placement of a child shall be made on the basis of the special education and related services needs of the child.
4. Removal of handicapped children from the regular educational environment should occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

5. Placement on the basis of a categorical label or single test is inappropriate and contrary to the mandates of P.L. 94-142 and Section 504.

6. An individualized education program (IEP) shall be developed for each handicapped child prior to placement and shall be reviewed periodically, at least annually. The following shall be considered as part of the review.

    - Whether the child has achieved the goals set.
    - Whether the child has met the criteria which indicates readiness to enter a less restrictive program.
    - Whether the program the child is in should be specifically modified to render it more suitable to the child's needs.

7. Each education agency shall have a written policy which guarantees that no education program will be terminated for an exceptional child without the following acceptable reasons:

    - The written individualized education program indicates the need for new and/or different services.
    - A staffing team determines that the educational goals and objectives set for the child have been achieved and the child no longer requires special services.
    - Written request for termination of special services is received from the parent or a student over the age of majority.
    - The legal residence of the child changes to another community outside the legal jurisdiction of the education agency.

When moving from policy to implementation, it is important to review selected aspects of professional practice with respect to the educator's application of educational principles to the requirements of least restrictive environment. Historically, changes have been made by educators regarding the placement decisions of exceptional children. Tracing selected highlights of the literature and the practice of providing special education and related services to exceptional children in Chapter II will serve to identify additional information now required in order to make appropriate decisions regarding the provision of education for all handicapped children in the least restrictive environment.

CHAPTER II

THE LEAST RESTRICTIVE ENVIRONMENT: EVOLVING EDUCATIONAL PRACTICE

Chapter I explored the procedural and statutory requirements regarding the application of the provisions of the least restrictive environment in placement decisions for exceptional children. These are based on federal and state legislation and litigation that have evolved into the present day requirements. Concurrent to the emerging policy regarding the application of the least restrictive principles, it is possible to trace the evolutionary phases of educational implementation. Historically, decisions regarding the placement of exceptional children were much more simplistic than those decisions that are required to be made today. Several factors can be identified to explain the earlier decisions regarding placement of exceptional children.

First, not all exceptional children were recognized by education agencies and the community as being "educable." Local school district policies (or absence thereof) set forth requirements for admission to public school programs. If a child's I.Q. fell within an "acceptable range" for special education services, i.e., not capable of participating in the regular class program, but still "educable", then the child was eligible for placement in special education. In general, special education served a selected group of children and most of the early programs (while limited in number) were initiated in the elementary grades. If a child did not meet the "I.Q. standards", it was frequently determined that the child's needs were extreme enough to close the school doors to him or her. Historically, such a child was denied any educational opportunity.

Secondly, the categories of children served were limited, as were the classes to teach them. Decisions regarding provision of special education were narrowly analyzed. Basically, the major information considered by decisionmakers focused on the handicapping conditions of the child. Therefore, the handicapping conditions (H.C.) too frequently dictated the placement (P) (H.C.=P), and little if any attention was given to the unique educational needs of the child.

In an attempt to provide an appropriate education to a greater number of exceptional children, educators began to refine the process of making decisions regarding the placement of exceptional children. After several decades of placing handicapped students in self-contained or residential programs, the trend was reversed in the late 1960's, especially for deprived children with learning problems who had been labeled educable mentally retarded (Dunn, 1968). Subsequently, researchers and educators began to discuss the extent and circumstances of a handicapping condition so that a wider range of individual differences could be accommodated in alternative placements for handicapped children (MacMillan, 1971).

THE EVOLUTION OF SPECIAL EDUCATION MODELS

From the early 1960's through today, educators have attempted to design educational models that allow the greatest flexibility in the provision of appropriate special education and related services to exceptional children. The following is a review of selected education "models" that have contributed significantly to the evolving practice of providing appropriate educational services to exceptional children. They are presented in an attempt to document the specific information needed by educational decisionmakers to implement the least restrictive provisions of P.L. 94-142 and Section 504. It is the intent of this chapter to present information that will expand the operational policy definition of least restrictive environment to equal more than just information relative to the handicapping conditions of the child. Consistent with evolving

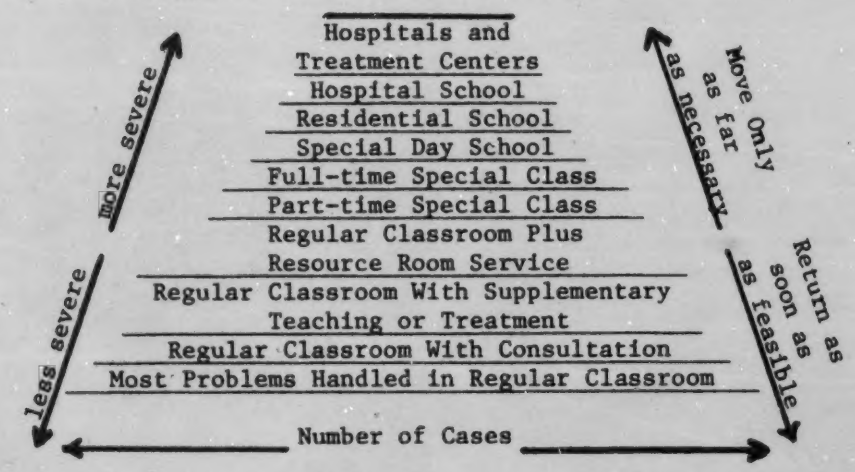
educational practice and in an effort to reaffirm the concept of alternatives, P.L. 94-142 and Section 504 legislate the provision of educational alternatives by specifying "settings" and "services." As set forth in P.L. 94-142, the definition of special education identifies "settings" by determining that:

> ...'special education' means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions (Sec. 4, (16)).

The regulations for this federal law require educational agencies to insure the availability of a continuum of alternative placements for the provision of special education and related services. Application of the "continuum of alternative placements" concept has led practitioners to equate that notion alone with the words "least restrictive environment." Several misinterpretations of this concept have led to confusion of the application of the purposes of P.L. 94-142, ranging from the use of words such as "mainstreaming" to using the application of least restrictive environment to a narrow or "restrictive" interpretation.

Reynolds' Model (1962).

Reynolds is attributed with initially outlining a conceptual framework for addressing special education problems by presenting a broad range of services within the educational schema. Originally, the outline was presented in the form of a hierarchy ordered according to the increased specialized needs of children. Figure 1 depicts the schema of special education programs that, according to Reynolds, should be made available to exceptional children.



REYNOLDS' HIERARCHY OF SPECIAL EDUCATION PROGRAMS
Figure 1.

Analyzing Reynolds' model is important, because at that point in time, two rather siginificant notions were offered regarding the placement of exceptional children. First, the hierarchy depicted program options with an indication that the less severe educational needs of a child could be provided as close to the regular classroom situation as possible. Second, Reynolds' hierarchy suggested the concept of "movement" for a handicapped child. Noting that placement options were multiple in nature, Reynolds suggested that:

> ...having a broad range of services is important and that children should be placed in programs of no more special character than absolutely necessary. There should be continuing assessment of children in special programs with a view toward returning them to more ordinary environments as soon as feasible (p. 370).

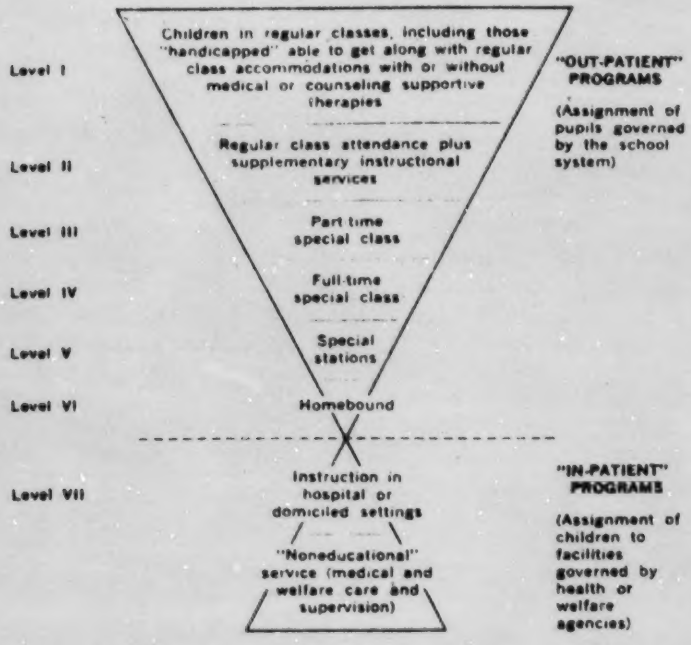
Thus, as early as 1962, educators began to think in terms of alternative placements for handicapped children. This expanded the information to be considered by decisionmakers.

Deno's Cascade of Services (1970).

Closely modelling the Reynolds' hierarchy, Deno attempted to alter the graphic representation of services to exceptional children to support:

> a system which facilitates tailoring of treatment to individual needs rather than a system for sorting out children so they will fit conditions designed according to group standards not necessarily suitable for the particular case (p. 235).

Figure 2 depicts a restructure of the graphic representation of program options that should be, according to Deno, available for handicapped children. Analysis of this model indicates that "levels" are introduced to correspond to the level of severity of the child. It is important to also note that a distinction is made regarding "outpatient" (or school system responsibility) and "inpatient" (other human service agency responsibility) programs. The dotted line represents the "cut-off" of school responsibility for special education according to the model.


Level I
Children in regular classes, including those "handicapped" able to get along with regular class accommodations with or without medical or counseling supportive therapies
"OUT-PATIENT" PROGRAMS
(Assignment of pupils governed by the school system)
Level II
Regular class attendance plus supplementary instructional services
Level III
Part-time special class
Level IV
Full-time special class
Level V
Special stations
Level VI
Homebound
Level VII
Instruction in hospital or domiciled settings
"Noneducational" service (medical and welfare care and supervision)
"IN-PATIENT" PROGRAMS
(Assignment of children to facilities governed by health or welfare agencies)

DENO'S CASCADE OF SERVICES
Figure 2.

In defense of this adaptation to the Reynolds' model, Deno states that:

> The tapered design indicates the considerable difference in the numbers involved at the different levels and calls attention to the fact that the system serves as a diagnostic filter. The most specialized facilities are likely to be needed by the fewest children on a long term basis. This organizational model can be applied to development of special education services for all types of disability (p. 235).

Since the emergence of these two models, school districts across the United States have made numerous adaptations in an attempt to describe the educational alternatives that exist in a school district for exceptional children. Implementation of these models has, through the evolutionary history of providing special education and related services, expanded the traditional equation of placing a child according to the handicapping condition (H.C.=P.). In fact, not only the concepts but the terminology represented by these models has been retained in practice today. The concept of educational alternatives and a "cascade of services" is, as was previously cited, mandated in federal policy.

Indications of "levels of severity" has served as the basis for different state mandates (Massachusetts, Tennessee, New Mexico) to describe placement options and alternatives for the provision of appropriate education for exceptional children. What has not remained, through the years, is the "division of responsibility" regarding the provision of education to exceptional children as depicted in the original Deno model. Clearly, P.L. 94-142 places the responsibility for the provision of all special education and related services for handicapped children on the state education agency, which must further detail the policies and procedures which they will undertake to assure that:

> ...all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency... (Sec. 612 (6))

Consistent with both the Reynolds' and the Deno's models has been the evolving educational practice of placing or returning the handicapped child to the regular education program whenever possible. Historically, too often once a child was removed from the regular program and placed in a special education program, the access to regular programs was closed.

Aloia's Horizontal Continuum (1978).

In an attempt to clarify the least restrictive environment mandates contained in P.L. 94-142 and Section 504, Aloia (1978) has developed a model which facilitates the placement decision by outlining various options along the continuum. While the model does not address the qualitative aspects of individual placement settings, it assumes that the more options available in any primary setting, the greater the flexibility in designing an appropriate education for each handicapped child so that placement will be based on needs and not on what is available by category. Figure 3 indicates that each point along the continuum represents the primary assignment for the handicapped child as developed in his/her individualized education program (IEP). Within each setting there are both least and most restrictive options.

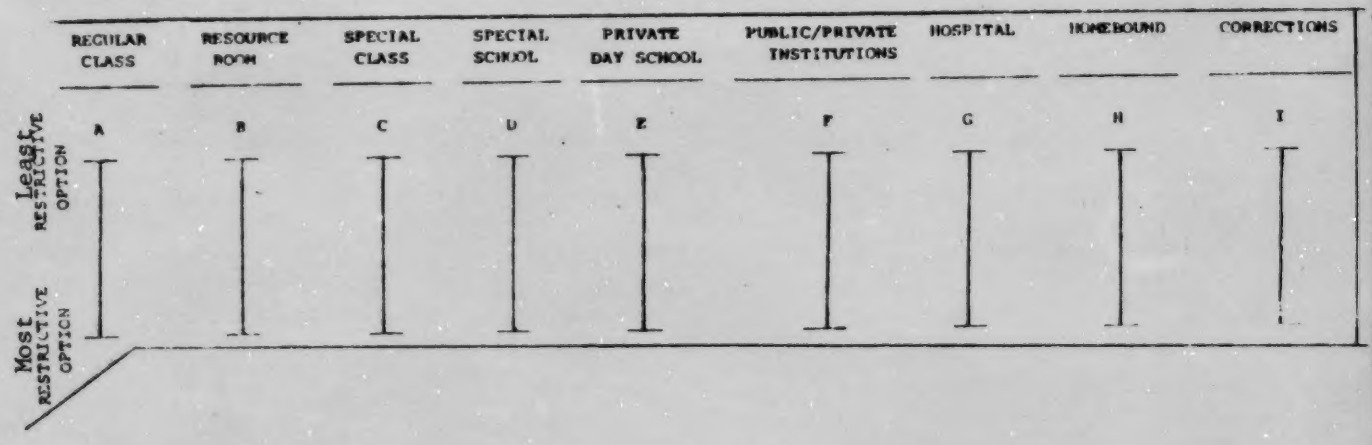


Figure 3
Aloia's General Model
Horizontal Continuum

This model enables a local education agency to assess its placement options and helps insure that there is proper interagency cooperation in the delivery of educational services. Additional advantages of this model include easy charting of modifications in placement alternatives which reflect growth and maturation by the child, as well as, a visual synthesis so that decisionmakers, including parents, can see the options available for each handicapped child.

Grotsky (1978) has adapted the Aloia model to assist local education agencies (LEA) to meet the least restrictive environment requirements in Pennsylvania. By developing a state-wide continuum of services model, each LEA, while maintaining flexibility, can also achieve a common understanding of proper interpretation. A review of Grotsky's modification of various placement options is significant for complying with recent legislative and litigative mandates. These options, listed below, within each primary setting reflect greater flexibility in education programs to achieve the least restrictive environment for each handicapped child.

Primary Assignment: Regular Class Placement

Option 1 - Full time in regular class with supportive materials and/or direct services to teacher.

Option 2 - Full time in regular class with direct service and instruction from itinerate teacher.

Option 3 - *Part-time in regular class with instruction and/or +involvement from resource room.

Option 4 - Part-time in regular class with instruction and/or involvement in special class.

Option 5 - Part-time in regular class with instruction and/or involvement in another setting, such as a special education center, private school, etc.

*Part time must be more than 50% in order for regular class placement to be considered primary placement.
+Involvement generally means non-academic program.

Primary Assignment: Resource Room

Option 1 - Part-time in resource room with instruction and/or involvement in the regular classroom.

Option 2 - Full time in the resource room.

Option 3 - Part-time in the resource room with instruction and/or involvement in special class.

Option 4 - Part-time in resource room with instruction and/or involvement in special facility.

Option 5 - Part-time in resource room with instruction and/or involvement in other setting such as special education facility, approved private school, etc.

Primary Assignment: Full-Time (Special Education) Class

Option 1 - Full-time class with regular class instruction and/or involvement.

Option 2 - Full-time class with resource room instruction and/or involvement.

Option 3 - Full-time class.

Option 4 - Full-time class with special education facility instruction and/or involvement such as special education center, approved private school, etc.

Primary Assignment: Special Education Facility

Option 1 - Special education facility with regular class instruction and/or involvement.

Option 2 - Special education facility with resource room instruction and/or involvement.

Option 3 - Special education facility with special class instruction and/or involvement.

Option 4 - Special education facility full-time.

Option 5 - Special education facility with instruction and/or involvement in approved private school, state hospital, etc.

Primary Assignment: Approved Private School

Option 1 - Part-time in approved private school with instruction and/or involvement in a regular class program.

Option 2 - Part-time in approved private school with instruction and/or involvement in resource room, full-time class or special education facility.

Option 3 - Approved private school full-time.

Option 4 - Approved private school with instruction and/or involvement in an institution, private licensed faclity, etc.

Primary Assignment: State Center

Option 1 - Full-time public school.

A. Resource Room

B. Full-Time Class

C. Special Education Facility

Option 2 - Part-time in state center with instruction and/or involvement in public school program or approved private school.

Option 3 - Full-time in state center.

Primary Assignment: Detention

Option 1 - Full-time in regular class.

Option 2 - Full-time in regular class with supportive materials and/or direct services to teacher.

Option 3 - Full-time in regular class with direct services and instruction from itinerate teacher.

Option 4 - Part-time in regular class with instruction and/or involvement from resource room.

Option 5 - Part-time in regular class with instruction and/or involvement in special class.

Option 6 - Full-time in special education.

A. Resource Room

B. Full-Time Class

C. Detention Facility

The Revision of the Cascade Model

Figure 4 schematically represents further changes occuring in current educational practice. Recognizing that the original cascade model was too "place" oriented, Reynolds and Birch (1977) reflected current educational trends by moving specialized instructional systems to the regular classroom. This practice integrates handicapped students with their nonhandicapped peers and expands the curricula.

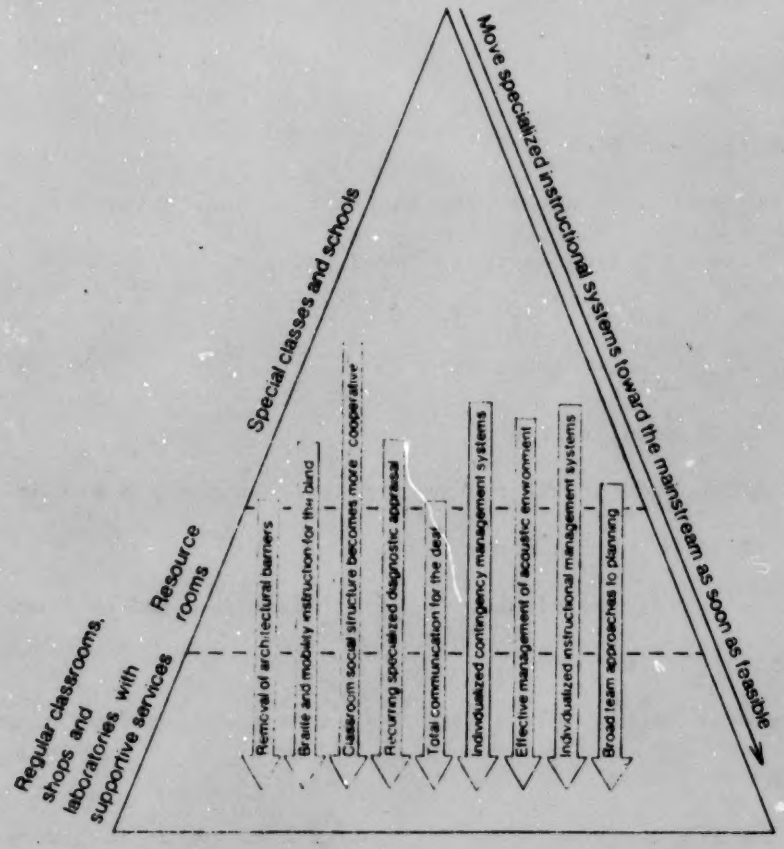

Move specialized instructional systems toward the mainstream as soon as feasible
Special classes and schools
Resource rooms
Regular classrooms, shops and laboratories with supportive services
Removal of architectural barriers
Braille and mobility instruction for the blind
Classroom social structure becomes more cooperative
Recurring specialized diagnostic appraisal
Total communication for the deaf
Individualized contingency management systems
Effective management of acoustic environment
Individualized instructional management systems
Broad team approaches to planning

Figure 4
Reynolds' and Birch's Revision of the Cascade Model

Within this framework, several options are available depending on the educational needs of the handicapped child. Figure 5 lists various options within a continuum of service delivery based on the unique special education and related service needs of the exceptional child.

Figure 5
Options Within a Continuum of Services Delivered

I. Regular Class with Supplementary Services
- Child remains in regular program and receives auxiliary and supportive services appropriate to his/her needs.
- Special Education personnel and material resources are made available to regular classroom teacher.

II. Regular Class with Separate Support Instruction
- Special support services are delivered by itinerant teachers and other ancillary personnel who are fully qualified.

III. Regular Class Primary Placement with Separate Resource Room Instructor Part-Time
- Specific educational objectives are prescribed.
  A. Regular Classroom Removal to Resource Room: 1 to 10 hrs. per week
  B. Regular Classroom Removal to Resource Room: 10 to 20 hrs. per week

IV. Special Class in Regular School Facility
- Students are assigned to special education teacher to meet unique educational needs.
- Delivery of educational services primarily in self-contained setting with non-academic and extracurricular activities such as meals, recess, transportation, groups, clubs, etc. integrated with nonhandicapped students.

V. Special Class in Separate School Facility
- A special class in a self-contained setting composed solely of handicapped students with special needs.
- Special Education teachers deliver services.

VI. Homebound/Hospitalized Instruction
- Placement system is viewed as temporary when medically necessary to restrict child's attendance and participation in regular class setting.
- When appropriate, content provided would be the same as provided in regular classroom.
- Child's IEP determines educational services to be provided.

VII. Residential/Institutional Setting
- Medical factors may greatly restrict integrated activities outside this setting.
- Procedures should be established to foster interaction with non-handicapped persons.

These various policy options serve to remedy past abuses. In many instances special education students were not only denied access to curricular studies, such as physical education, music, art or whatever other educational activities a child could appropriately undertake, but the special education student was too often isolated from any integration with other students in the school building by the establishment of separate rooms, lunches, school schedules (starting and ending the school day), and recreational (recess) times. Seldom, when making educational decisions for handicapped children did anyone list the criteria for determining when such a child could participate in some/all regular programs.

The Belief of Mainstreaming

In an attempt to rectify these situations, and also to emphasize the accessibility of exceptional children to "regular" programs and services, educational practitioners have rushed to describe this process as "mainstreaming." Any minimal review of the literature reveals multiple definitions, adaptations, and recommendations for the implementation of mainstreaming (Beery, 1974); (Kaufman, et al., 1975); (Reynolds, 1976); (Reynolds & Birch, 1977). As a result, confusion exists and the practice of mainstreaming by educators varies (Hayes and Higgins, 1978). Abeson (1977) maintains that:

> While the least restrictive alternative principle applies to all handicapped children, mainstreaming is usually limited to the mildly handicapped--the educable mentally retarded, the mildly emotionally disturbed and the learning disabled. Thus, children possessing other handicaps but who could participate in some activities with nonhandicapped children are denied such opportunities because of this limiting definition of mainstreaming. Least restrictive alternative extends the mainstreaming concept to all handicapped children, regardless of their label and presumed severity (p. 24).

Because the term "mainstreaming" has evolved into one of the most frequently used terms by educators, parents, and the community to discuss the

placement of handicapped children, The Council for Exceptional Children, in a resolution passed by the delegate assembly (April, 1975), described the policy of mainstreaming as follows:

> Mainstreaming is a belief which involves an educational placement, procedure and process for exceptional children, based on the conviction that each child should be educated in the least restrictive environment in which his educational and related needs can be satisfactorily provided. This concept recognizes that exceptional children have a wide range of special educational needs, varying greatly in intensity and duration; that there is a recognized continuum of educational settings which may, at a given time, be appropriate for an individual child's needs; that to the maximum extent appropriate, exceptional children should be educated with non-exceptional children; and that special classes, separate schooling, and other removal of an exceptional child from education with non-exceptional children should occur only when the intensity of the child's special education and related needs is such that they cannot be satisfied in an environment including non-exceptional children, even with the provision of supplementary aids and services.

It is interesting to note that as early as seven months preceding the passage of P.L. 94-142, the term "mainstreaming" was defined by The Council for Exceptional Children in the context of the least restrictive environment. Analysis of both P.L. 94-142 and its regulations reveals that the use of the term "least restrictive environment" is prevalent, while the word mainstreaming is non-existent in the policy documents. This is important to remember in identifying information that decisionmakers must consider in order to determine the least restrictive environment for each exceptional child.

The Instructional Cascade Model of Reynolds and Birch (1977)

In response to the current policy mandates to provide special education and related services to each handicapped child in the least restrictive environment, Reynolds and Birch (1977) have structured a model reflecting continued revision of the cascade models previously cited. Figure 6 indicates these changes. Rather than describing a "place" or "placement option" available for the handicapped child, this model suggests that instructional resources

"move" to meet the educational needs of the child as a preferred practice for the future.

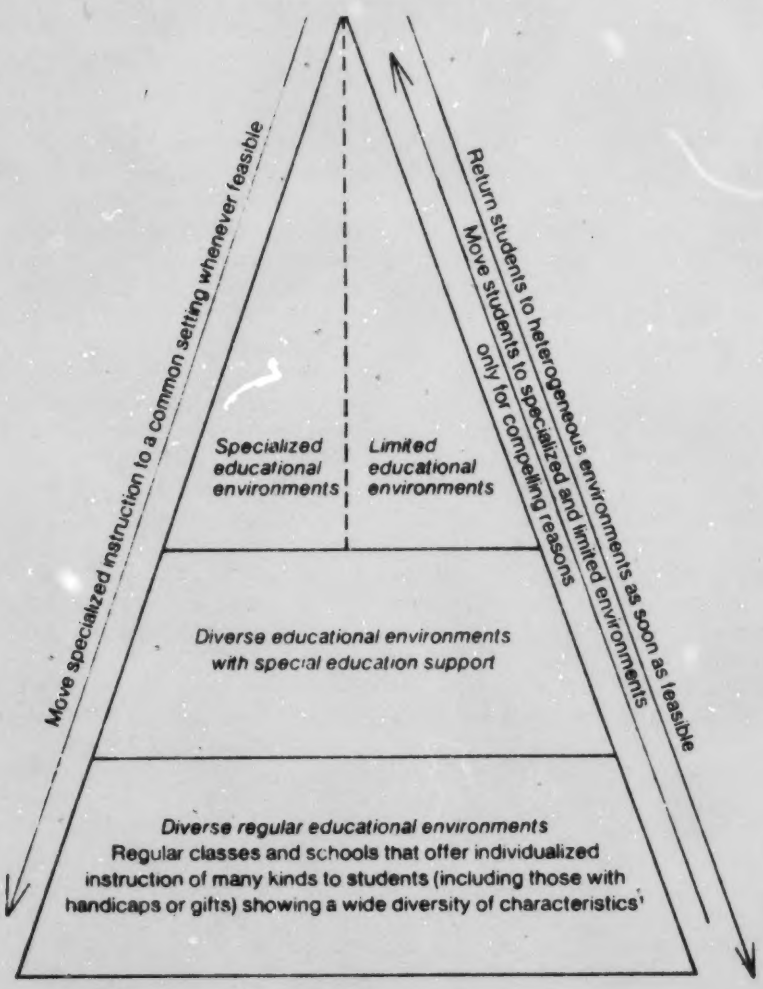

Move specialized instruction to a common setting whenever feasible
Return students to heterogeneous environments as soon as feasible
Move students to specialized and limited environments only for compelling reasons
Specialized educational environments
Limited educational environments
Diverse educational environments with special education support
Diverse regular educational environments
Regular classes and schools that offer individualized instruction of many kinds to students (including those with handicaps or gifts) showing a wide diversity of characteristics'

Figure 6
Reynolds' and Birch's Instructional Cascade

POLICY CONSIDERATIONS AND SUMMARY OBSERVATIONS

While not specifically clarified, the inclusion of "specialized instruction" as a part of the information regarding the provision of an appropriate education in the least restrictive environment is documented. As educators, the policy base for defining LRE must be broader than just in description of the placement options available. Consistent with the procedural and policy requirements of the federal mandates, coupled with the findings and practices documented in the

literature review, it is possible to propose a new formula regarding the provision of appropriate education in the least restrictive environment by equating this requirement with the specifications of the specially designed instruction (I) required, the services (S) needed and the actual placement (P) of the exceptional child to receive that instruction. This may be graphically represented in the following equation: LRE=I+S+P.

A closer examination of the policies and procedures required regarding the specialized instructional needs and the specific services required for the exceptional child must ensue. Exploration of the components of information identified in the above mentioned formula (LRE=I+S+P) suggests that parents, the exceptional child, and the school personnel should consider additional information when making decisions regarding the provision of a free appropriate education for each exceptional child in the most appropriate environment for that child. This exploration will require the description of the elements of specialized instruction, and the specific services to be provided to the exceptional child. In addition, a process of placement of that information on some type of schema is required in order to move the process of decisionmaking toward a summary of the appropriate placement(s) that the local education agency is responsible for providing. The result will then be to have identified a process of supplying specific information to those decisionmakers who will determine the provision of an appropriate education for each exceptional child in the least restrictive environment.

In the process of documenting the information that decisionmakers will need to consider to effect the new formula (LRE=I+S+P), this paper will identify the policies and alternative procedures required for educational policymakers to meet the procedural requirements set forth in federal and state legislation and litigation. Likewise, this methodology will result in an expansion of the information base regarding educational practice for providing a free appropriate education for all of America's handicapped children.

CHAPTER III.

COMPONENTS OF INFORMATION DECISIONMAKERS SHOULD CONSIDER TO DETERMINE THE LEAST RESTRICTIVE ENVIRONMENT

As indicated in both Chapter I and Chapter II, specific procedural requirements exist regarding the concept of the least restrictive environment for handicapped children. Selected aspects related to legislation and litigation were presented to identify the mandated procedural requirements facing decisionmakers regarding the least restrictive environment for handicapped children. Significant models, describing alternatives for placement of handicapped children were described in order to identify the information decisionmakers need to consider when determining the least restrictive environment. The alternatives described depict one policy approach to the definition of LRE.

At the end of Chapter II, a formula or operational definition of LRE was presented (LRE=I+S+P) to indicate that decisionmakers must consider more than placement (P), if the procedural mandates required by public policy are to be in effect. Therefore, decisionmakers, in order to implement the public policy mandates of the least restrictive environment provisions must consider a new type of policy- a determination of what resources are needed by the exceptional child and how those resources will be distributed. New and perhaps more information must be collected prior to individually determining the least restrictive environment for each handicapped child.

This is a departure from the traditional policy practice of only describing LRE alternatives in terms of placements. Use of the operational definition of LRE=I+S+P recognizes that placement options are critical to the policy developments needed to assure the provision of a free appropriate education. However, actual operationalization of this definition requires new policy constructs.

Exploration of specially designed instruction (I), special services (S) and the actual placement (P) of the handicapped child will indicate the components

of information that must be considered by decisionmakers. Only when multiple pieces of information are considered will decisionmakers be able to determine the appropriate least restrictive environment for each handicapped child.

Special Education, Related Services and the IEP.

Central to the provision of an appropriate education for each handicapped child is the determination of the need for special education and related services. P.L. 94-142 defines special education and related services:

> The term 'special education' means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child...(Sec. 602, Sec. 4 (16) emphasis added)
>
> The term 'related services' means transportation, and such developmental, corrective, and other supportive services... as may be required to assist a handicapped child to benefit from special education... (Sec. 602, Sec. 4 (17))

This law further defines the term "free appropriate public education" to mean special education and related services which "are provided in conformity with the individualized education program ..." (Sec. 602, Sec. 4 (18)).

The requirements set forth in Section 504 (Subpart D) parallel those of P.L. 94-142 with regard to the provision of special education and related services. Because the individualized education program (IEP) is a management tool (Abeson and Weintraub, 1977; Hayes and Higgins, 1978) designed to commit resources to the handicapped child by the education agency, it is critical that the decisionmakers consider the components of the individualized education program (IEP) developmentally as they work to determine the least restrictive environment for the handicapped child. The written IEP specifies the provisions necessary to deliver a free appropriate public education. As stated in P.L. 94-142:

> The term 'individualized education program' means a written statement for each handicapped child...which...shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved. (Section 602, Sec. 4 (19))

Prior to the development of the individualized education program certain information must be collected. First, before decisionmakers can begin to develop the IEP, the child must meet certain eligibility requirements to be certified according to a handicapping condition. While federal policy sets forth procedural requirements and defines categories of eligibility for reimbursement purposes, criteria to determine eligibility as handicapped are left to the appropriate educational jurisdiction as set forth in state and local policy.

It is not the purpose of this paper to describe the various criteria or definitions used in special education. Nor is it the purpose of this paper to describe the numerous processes in place to collect assessment and evaluation material used to make decisions regarding the eligibility of handicapped children. However, as various components of information are identified in this chapter as being necessary, Chapter IV will discuss the implications of these compnents in terms of policy options and alternatives available to decisionmakers.

Specially Designed Instruction.

Once assessment and evaluation information is collected and it is determined that a child is handicapped, decisionmakers meet to develop the individualized education program. With regard to the special education and related services that may be indicated, it is the responsibility of the decisionmakers to first delineate the present levels of educational performance of the child.

In order to arrive at the documentation of present levels of educational performance, several assumptions must be in effect. First, there must be a correlation between assessment information collected and the outcome results identifying present levels of performance. Second, the measure for determining specially designed instruction to meet unique needs of the child must be in the regular classroom curriculum and course of study. Consequently, in order to determine a child's unique needs for specially designed instruction, the comparison will be the regular program of other children of like chronological age. The more distance there is between the chronological program and the handicapped child's performance, the greater one could assume that the educational adaptations or specially designed instruction would be. These two assumptions serve as the basis for determining which policies are required to define the "instructional" aspects of the policy equation of LRE=I+S+P.

If one accepts the notion of policy deviations from a uniform or regular curriculum, then procedures and policies used to develop the IEP must indicate the manner in which an individual child's needs can be met apart from that course of study. Given a set of subjects offered in a public school curriculum, it is possible to match the handicapped child's present level of educational performance and then reasonably project where the child should be educationally within a year.

Policy Options Area #1: Curricular Adaptations.

Perhaps consideration of this first policy option area, that of curricular adaptations according to a uniform curriculum, seems obvious. It should be noted, however, that historically curricular adaptations have been different in regular education than in special education. In fact, numerous school districts, as a matter of policy, have prescribed uniform, sequential courses of study and have set forth educational expectations for the majority of students throughout their school experience.

Adaptations of curriculum for exceptional students who require specially

designed instruction seldom occurs in a uniform fashion. For example, if a high school level blind student requires specially designed instruction, determinations of his/her educational needs are usually based on information collected at the assessment phase. Development of the IEP usually states the student's present level(s) of performance. However, seldom is this information linked to "regular curriculum."

In order to systematically guide decisionmakers from assessment information to a delineation of present levels of performance information, a format should be designed to determine the developmental curricular needs of the exceptional student. P.L. 94-142 requires documentation of specific information in the development of an IEP. The information displayed in Figure 7 contains the first phases of information required by P.L. 94-142. The format presented in Figure 7 suggests that incremental information is displayed in a developmental process. This process of supplying information to decisionmakers should have format flexibility that would permit adaptation for each exceptional child's unique educational needs. Adaptation of a standardized data collection instrument would help to guide decisionmakers through a process of identifying the specially designed instruction needed to adapt the regular curriculum for each exceptional student.

Figure 7
Phase 1 and 2 of Needed Information for LRE Decisions

Course of Study	Present Levels of Educational Performance	Annual Goals
English/Language Arts		
Math		
History/Social Science		
Science		
Physical Education		
Career Development		
Art		
Music		
Activities of Daily Living		

[1]Sample only - Some students may need more space for this category.

In order to use this format, educators would have to first select generic descriptors for the areas of course of study. For instance, depending on grade level, English and Language Arts could be coded and broken into English I, English II or Spelling, Oral Interpretation, Reading, etc. It is critical that curricular adaptations for an exceptional student be based on a consistent district wide course of study. Adaptations from this course of study will be systematic and supply information to decisionmakers in an orderly, process oriented manner for each exceptional student.

This first step would resolve the void of policy in this area, since such an approach is not current educational practice for many exceptional students receiving special education (SEAP, 1977). Completion of the information displayed in Figure 7 requires decisionmakers to determine only the following:

1. Present levels of educational performance as matched to a specific course of study/curricular area.
2. Annual goal(s) for each course of study/curricular area requiring "specially designed instruction."
3. Short-term objectives (major milestones) to indicate progression toward positive mastery of the annual goal(s).

The next phase of the development of an individualized education program as set forth in federal policy requires a "statement of specific educational services to be provided to the child" (Section 602, Subpart 4 (19) (C)). Identification of past educational practice as outlined in Chapter I and Chapter II suggests that in fulfillment of this requirement, educators immediately proceed to describe a "place" where the child can receive the special education and related services needed. Determination of what constituted appropriate education was defined in policy as the "placement" of the

handicapped child. As has been previously identified, placement is always going to be an accountability factor to determine service delivery to exceptional children. However, it would appear that alternatives could occur in policy development to guide decisionmakers in determining the present levels of educational practice from a statement of specific services to be provided. Identification of the policy gaps will allow policy procedures and ultimately practices to be established that will guide the incremental process of developing the IEP.

What currently exists, as a policy gap, is a process of defining requisite information for decisionmakers to move from a determination of present levels of performance to describing the statement of specific services to be provided as set forth in the IEP.

Filling the known information about the child into the policy construct described in Figure 7 begins to delineate the content of "what" educationally will be taught to the handicapped student. Missing, however, is the "how" and the "where." It is important to identify the components of each of these, but it is also critical to display alternatives so as to allow a flexible format so that information can be presented to decisionmakers which will allow for the widest adaptation to individual education needs.

In summary, decisionmakers can determine "specially designed instruction" by addressing these two questions:

1. What adaptations (if any) need to occur for this child's instruction?
2. Does the child's "behavior" facilitate/constrain participation in the manner or amount of learning that is expected of this child?

Answers to these questions should allow decisionmakers to have move information so that they can make the appropriate decisions regarding the appropriate education for each exceptional child. Therefore, such information must be identified to present decisionmakers with a better base for making educational decisions regarding the provision of special education and related services. Identification of this information will be the first step towards documentation of the "how" of specially designed instruction.

Policy Option Area #2: Methodological Adaptations.

Educational adaptations to established educational methodologies are made daily on behalf of those students who require specially designed instruction. However, such adaptations are often not made in an adequate manner. Appropriate policy development would suggest a systematic approach to determining methodological adaptations for each exceptional student. This policy requirement would suggest that local and state educators should have to identify appropriate types of methodological adaptations that can be provided so that a handicapped student can benefit from educational instruction. A selected list of methodological adaptations appear in the Table below.

Table 3.1
Partial List of Methodological Adaptations

1. No adaptations
2. Audio adaptations
   tape, verbal, phonetic cues, instructional presentations, etc.
3. Visual adaptations
   large print, braille, cured speech, picture cues, color cues, instructional presentations, etc.
4. Tactile adaptations to include instructional presentation
5. Physical adaptations of equipment
6. Abridged texts
7. Translators
   interpreters for deaf, readers for blind, steno services for physically handicapped, bilingual, etc.

This list is meant to be illustrative rather than exhaustive. Particular needs of a child may require the expansion/revision of this list. Consideration of this type of methodological information in an incremental manner will provide additional information to decisionmakers so they can move from determining appropriate goals to delineating specialized instruction in order to document the specific services necessary to determine appropriate educational placements for each exceptional child.

Decisionmakers must consider the need for methodological adaptations in light of each designated area of curriculum requiring specially designed instruction as noted in the IEP. As decisionmakers develop this phase, information regarding methodological adaptations can be noted directly on the matrix that follows. Figure 8 indicates examples of format for presentation of information to decisionmakers.

Methodological Adaptations

Figure 8
Phase 3 of Needed Information for LRE Decisions

Course of Study	1*	2*	Methodological Adaptations
English/Language Arts			
Math			
History/Social Science			
Science			
Physical Education			
Career Development			
Art			
Music			
Activities of Daily Living[1]			

*Code: 1 = Present Levels of Educational Performance
2 = Annual Goals

[1]Sample only - Some students may need more space for this category.

Absence of any written policy describing the methodological adaptations available to a student presents a void that prohibits consistent information from being presented to decisionmakers at the time of the IEP development. Identification of appropriate methodological adaptations to curricular areas is a critical step towards better description of the "specific services" requirement of P.L. 94-142. However, identification of these adaptations alone does not fully describe the handicapped student's educational needs for specially designed instruction.

Policy Option Area #3: Behavioral Adaptations

For some exceptional students, certain behavior in any/some learning situations can act as a facilitator or constraint on the student's capability to learn and on the educational performance of the child. While some of this information is identified in the assessment and evaluation phase of collecting information for decisionmakers to determine eligibility, sometimes it is ignored or absent when decisionmakers meet to develop the IEP. This occurs because different people meet to make decisions regarding eligibility and sometimes consider different information than those who are the decisionmakers developing the IEP. It is critical that educators not perpetuate the consideration of behavioral information separately from the specially designed instruction that the handicapped child requires.

Decisionmakers should consider the behavioral needs of the child in determining which behaviors serve as either facilitators or constraints to the educational performance of the child. Application of any necessary adaptations to the curricula due to behavioral considerations will serve to further define the specially designed instruction required by the handicapped child. Presentation of a category for this information appears in Figure 9.

Consideration of a student's behavior alone should not be the sole criteria for the provision of specially designed instruction. For many students, whose classification of disability centers on emotional difficulties, the educational adaptations are frequently secondary to the adaptations for behavioral change. Good practice dictates that these be individually selected and appropriately designed to meet a particular child's unique educational needs. Documentation of specific adaptation, considering both the facilitators and constraints to behavior along curricular constructs will better guide the commitment of resources required as part of the special education and related service requirements.

BEHAVIORAL ADAPTATIONS

Figure 9
Phase 4 of Needed Information for LRE Decisions

Course of Study	1*	2*	Methodological Adaptations	Behavioral Adaptations Facilitators/Constraints
English/Language Arts				
Math				
History/Social Science				
Science				
Physical Education				
Career Development				
Art				
Music				
Activities of Daily Living[1]				

*Code: 1 = Present Levels of Educational Performance
2 = Annual Goals

[1]Sample only - Some students may need more space for this category

Positive implications of this policy requirement are twofold. First, educators would have to link "behavioral" needs to educational purposes. Documentation of policy decisions over time could lead to some clarification of the distinction between "treatment" and education." Second, requirements for this type of information would assure that those students with emotional disturbances would in fact be provided access to the same educational resources as students without primary emotional difficulties. Too frequently in the past, educational programs for students with emotional difficulties have been more behavior than academic related. This requirement, by necessity, would require decisionmakers to consider behavioral information in the context of curricular needs. Clear written policies and

procedures which guide the flow of information from curricular studies and consider behavioral adaptations required by all students will have the positive effect of increasing equal access to educational resources by exceptional students.

When decisionmakers consider information relative to related services, they cannot look at those services in isolation. Rather, some link must exist between the child's need for specially designed instruction and the service to be provided.

In order to provide decisionmakers with appropriate information so that they can specify the specific services to be provided in the IEP, a deviation from past practices must ensue. No longer is it adequate to describe "therapy" for a child. Which therapy does what to support the specially designed educational instruction for the handicapped child? The delivery of specific services requires that methodologies and techniques be specified and have a direct correlation to the specially designed instruction. Consequently, the inclusion of related services must correspond to the curriculum areas targeted for specialized instruction.

Policy Option Area #4: Environmental Adaptations.

Completion of the matrix, as identified in Figures 7, 8, & 9 will guide decisionmakers through a process of considering significant information that will allow them to document resources needed by the exceptional child. However, one additional component must be considered by decisionmakers prior to completion of the IEP. This final area of information relates to "environmental adaptations."

Table 3.2 lists specific areas of environmental adaptations that decisionmakers should consider prior to arriving at a decision for appropriate placement of a handicapped child. Consistent with the developmental nature of incrementally gathering information, it is suggested that decisionmakers consider each of these areas in light of specific areas of curriculum.

Table 3.2

Environmental Adaptations

1. Instructional setting
   a. large group
   b. small group
   c. one student to one teacher
2. Age grouping
3. Amount of "interaction" with nonhandicapped persons
   a. adults
   b. peers
4. Amount of needed/required "isolation"
5. Length of instructional day/instructional periods
   a. regular
   b. shorter
   c. use of total immersion techniques
6. Length of school "year"
   a. nine months
   b. 12 months
7. Time - "24-hour" programs
   a. continuity between school/living situation
   b. need for supervision
   c. medical care
8. Distance away from home

Once the environmental factors are reviewed and identified as appropriate, the next step would be to place the indicated specialized instruction on the larger matrix that has been continually expanded in this chapter. Thus, the complete information to be considered by decisionmakers for development of a child's individualized education program appears in Figure 10.

It is possible for decisionmakers to consider each of these adaptations individually or collectively. Each of these variables is seldom defined and little documentation occurs as to why any one adaptation occurs over another. Future research may choose to explore the practice of each of these adaptations. For example, what research indicates the success/failure of various lengths of an instructional day for an exceptional child?

In the future, research in other areas of education may be adapted for use in educational planning with exceptional children. For example, the adaptation of "time" may include various techniques for providing instruction. Research currently supports the approach of "total immersion techniques" for rapid acquisition of a foreign language. What, if any, applicability might there be for using this technique to remediate a learning disability? And, using this example, how does one calculate the various degrees of restrictiveness present in the various environmental adaptations?

ENVIRONMENTAL ADAPTATIONS

Figure 10
Phase 5 of Needed Information for LRE Decisions

Course of Study	1*	2*	Methodological Adaptations	Behavioral Adaptations Facilitators/Constraints	Environmental Adaptations	Placement Recommendations
English/ Language Arts						
Math						
History/ Social Science						
Science						
Physical Education						
Career Development						
Art						
Music						
Activities of Daily Living[1]						

*Code: 1 = Present Levels of Educational Performance
2 = Annual Goals

[1]Sample only - Some students may need more space for this category.

Following completion of the matrix, decisionmakers will have enough information to determine the least restrictive environment for a handicapped child. Attention can now be focused on the actual type of placement where the specialized instruction will take place. With regard to the needed type of placement, the regulations of P.L. 94-142 require each education agency to insure the availability of alternative placements to meet the needs of handicapped children for the provision of special education and related services (Section 121a.551). Various types of placements and typical definitions of the continuum of placements have been previously discussed in Chapter II.

SUMMARY OBSERVATIONS

Over time, educational practitioners have become more creative in the variety of options and alternatives that exist for actual placement of exceptional students. The purpose of this chapter has been to identify areas of information that decisionmakers need to consider as they develop the IEP in order to arrive at the appropriate decision regarding the designation(s) of where the education will be provided.

The policy gap that exists to implement the least restrictive environment provisions can successfully be remedied by supplying more complete information to decisionmakers as they are developing the child's IEP. If developed in the manner previously described in the matrix, the systematic process will result in completion of the formula LRE = I+S+P. Once the process of supplying information to decisionmakers is described, education agencies can then determine the appropriate policy options required to implement this process in order to determine the appropriate special education in the least restrictive environment(s) for each exceptional student.

Four policy areas have been identified in this chapter as necessary for supplying pertinent information to decisionmakers. Chapter IV will present various

policy options available within the areas of curricular, methodological, behavioral and environmental adaptations, and suggest alternative uses for implementation of these policy options.

CHAPTER IV

TOWARD AN APPLICATION OF THE POLICY COMPONENTS

The material presented in Chapter III was developed essentially in response to a hypothesis that information other than placement considerations should be used by decisionmakers in order to establish criteria for determing the least restrictive environment. Moreover, LRE determinations must be based on the specific needs of each child, rather than on what is currently available in any particular jurisdiction. In an attempt to guide decisionmakers through a systematic approach of considering information necessary to develop an IEP, four areas of information were posed as areas needing policy development. These areas were posed predicated on a belief that Type II policies - those needed to determine resource distribution - were needed in order to enable decisionmakers to move from determining present levels of performance to actual designation of placement (Higgins and Barresi, 1979). An operational definition of LRE=I+S+P+ was presented and discussed.

It is important to remember that the policy options have been presented in a construct which suggests that curricular, methodological, behavioral, and environmental adaptations are important pieces of information, necessary for the development of the IEP. The overall implication is that policies need to be developed that will guide decisionmakers towards the establishment of procedures to translate the operational definition of LRE=I+S+P into educational practice for each exceptional student. However, it should be noted that each policy option must be evaluated on its own merits. Therefore, anyone wishing to expand the determination of LRE beyond just "placement" considerations can consider any combination of classes of information described in this paper.

Further, it should be noted that the formula posed would suggest a consideration of all the areas of adaptations to arrive at a determination of the placement(s) in the least restrictive environment. It is possible that one

could view each of the four policy option areas as having their own degrees of restrictiveness. For example, using the first policy option area, Curricular Adaptations, it is possible to suggest and document that the more intensive the adaptations of curriculum from the regular classroom course of studies, the more restrictive is the education being provided to the exceptional child.

The purpose of this chapter will be to review the four policy option areas and generate a variety of alternatives for discussion. Evaluation of the proposed alternatives will occur during the external field review of these alternatives by key policymakers across the country. Analyses of the identified responses will be presented in Chapter V which concludes this paper.

Policy Option Area #1: Curricular Adaptations

Based on the information presented in Chapter III, adaptation of all IEP policy requirements must be based on curricular adaptations. In order to implement this requirement, the following is minimally suggested as being required:

1.1 Each education agency should have a written curriculum or course of studies for each subject and grade level (preschool through 12th grade).

1.2 Each education agency should require those who collect assessment information to report outcomes of that information in a manner that identifies at least the following:

(a) present levels of performance of the student .

(b) relationship of present levels to specific curricular areas.

1.3 Each education agency should develop a uniform data collection instrument to develop the IEP which will allow for the designation of curricular adaptations.

1.4 Each education agency should provide technical assistance to all education staff so that they have the required competencies to identify needed curricular adaptations.

1.5 Because curricular adaptations are not required by P.L. 94-142, education policymakers will have to determine whether or not policy change is indicated to allow the

(a) development and maintenance
(b) monitoring/evaluation

> of curricular adaptations

1.6 In this regard, education policymakers should determine whether change needs to occur in

(a) regulations
(b) board policy
(c) guidelines
(d) administrative procedures

1.7 Each education agency should choose to define curricular adaptations in degrees of restrictiveness.

Policy Option Area #2: Methodological Adaptations.

2.1 Each education agency should develop a resource manual of major types of methodological adaptations necessary to provide specially designed instruction.

2.2 Each education agency should identify competencies of staff in relation to methodological options for a handicapped student's curriculum.

2.3 Each education agency should define methodological adaptations in degrees of restrictiveness

2.4 Each education agency should determine whether or not policy change is indicated to allow the

(a) development and maintenance
(b) monitoring/evaluation

> of methodological adaptations

2.5 Each education agency should identify "resource personnel" to all education staff to be responsible for technical assistance to guide development of methodological adaptations

2.6 Each education agency should determine if methodological adaptations will be linked to curricular adaptations.

Policy Option Area #3: Behavioral Adaptations.

3.1 Each education agency should determine classes of behavior that can facilitate or constrain educational learning.

3.2 Each education agency should determine whether or not behavioral needs are linked to educational needs.

3.3 Each education agency should describe classes of behavior and/or intervention strategies in degrees of restrictiveness

3.4 Each education agency should develop criteria to determine when behavioral adaptations are less frequently required for the student.

3.5 Each education agency should designate resource personnel responsible for providing information to guide development of behavioral adaptations.

3.6 Each education agency should require those who collect behavioral assessment information to report outcomes of that information in a manner that identifies the following

(a) relationship of behavior to curriculum areas

(b) relationship of behavior to methodological adaptations.

3.7 Each education agency should determine if these requirements result in a change in the following policy areas:

(a) regulations

(b) board policy

(c) guidelines

(d) administrative procedures

Policy Option Area #4: Environmental Adaptations.

4.1 Each education agency should determine classes of environmental considerations that can facilitate or constrain learning.

4.2 Each education agency should determine whether or not environmental needs are linked to educational needs.

4.3 Each education agency should describe classes of environmental interventions in degrees of restrictiveness.

4.4 Each education agency should designate resource personnel capable of providing information to guide adaptations of environmental considerations

4.5 Each education agency should determine if these requirements result in a change in the following policy areas.

(a) regulations

(b) board policy

(c) guidelines

(d) administrative procedures

CHAPTER V

THE LEAST RESTRICTIVE ENVIRONMENT: A PROFILE DATA ANALYSIS REPORT

This Profile Data Analysis Report presented as Chapter V, represents the compilation and analysis of the results received from the field evaluation of this policy options paper entitled, "Policy Options Regarding Information Supplied To Decision Makers In Order To Determine The Least Restrictive Environment Appropriate For Each Handicapped Child." The Report consists of two components:

- An overview of the data presented in the policy options paper and a summary of the comments received during the field review; and
- An accompanying form which lists the specific percentages of the responses received for each particular policy option (attached).

EVALUATORS

The draft paper or executive summary and accompanying Policy Options Rating Scale were forwarded to 330 representative members of national organizations or consumer groups such as: The Council of Chief State School Officers, The National Council of State Legislators, The National Education Association, The Council of Administrators of Special Education, The American Association of School Administrators, The National Association of State Boards of Education, The National Association of State Directors of Special Education, The National School Boards Association, etc., among others, for evaluation of content and the feasibility of a policy for adoption.

RETURN RATE

Thirty-two (32) of the eighty-nine (89) persons who received the draft paper completed the Rating Scale (36% return); twenty-six (26) of the two hundred forty-one (241) people receiving the executive summary responded (11%). The overall return rate was 18%. The percentages used in this report are reflective of the entire sampling of responses received.

CONTENT OVERVIEW AND POLICY RESPONSES

While not negating the intent of previous educational models, current educational thinking centers on "refocusing" the concept of least restrictive environment. Consistent with the procedural and policy requirements of the P.L. 94-142 and Section 504, it is possible to document a more comprehensive formula regarding the provision of an appropriate education in the least restrictive environment. This evolving educational practice results in relating the LRE mandates with the specially designed instruction (I) required, the services (S) needed and the actual placement (P) of the exceptional child to receive that instruction. This may be graphically represented in the following equation: LRE = I+S+P.

Exploration of the components of information identified in the formula LRE = I+S+P suggests that the parent(s), the exceptional child, and school personnel should consider additional information when making decisions regarding the provision of a free appropriate education for each exceptional child in the most appropriate environment for that child. The result will be to have identified a process of supplying specific information to those decision makers who determine the provision of an appropriate education in the least restrictive environment. Actual operationalization of this formula definition requires new policy constructs.

What currently exists, as a policy gap, is a process of defining requisite information for decision makers in order to move from a determination of present levels of performance to describing the special education and related services to be provided to a handicapped child as set forth in the IEP. In an attempt to expand the determination of LRE beyond just "placement," this policy options paper presents a variety of alternatives within four policy options areas:

- Curricular Adaptations
- Methodological Adaptations
- Behavioral Adaptations
- Environmental Adaptations

CURRICULAR ADAPTATIONS

Overview

It should be noted that historically curricular adaptations have been differenct in regular education than in special education. In fact, numerous school districts, as a matter of policy, have prescribed uniform, sequential courses of study and have set forth educational expectations for the majority of students in regular education programs throughout their school experience. Adaptations of curriculum for exceptional students who require specially designed instruction seldom occurs in a uniform fashion.

Development of the IEP includes the student's present level(s) of performance. However, seldom is this information linked to the "regular curriculum." In order to systematically guide decision makers from assessment information to a delineation of present levels of performance information, a format should be designed to determine the developmental curricular needs of the exceptional student. Adaptation of a standardized data collection instrument would help to guide decision makers through a process of identifying the specially designed instruction needed to adapt the regular curriculum for each exceptional student.

Response

Eighty-five percent of the evaluators agreed that each educational agency should have a written curriculum or course of studies for each subject and grade level. Similar approval was given to policies related to the collection of assessment information with minor reservations regarding procedures. However, twenty-one percent of the reviewers were undecided as to whether an education agency should develop a uniform data collection procedure to develop the IEP which would allow for the designations of curricular adaptations. Concern was expressed about the word "uniform" implying a standard IEP for each handicapped child, regardless of the special education and related service needs. When reviewing the percentages listed under different categories on the attached Policy Option sheets, a person could assume that the "No Comment" category usually indicates "Appropriate" or "Acceptable" status.

METHODOLOGICAL ADAPTATIONS

Overview

Decision makers must consider the need for methodological adaptations in light of each designated area of curriculum requiring specially designed instruction as noted in

Response

Over sixty percent of all evaluators agreed with the policy statements presented in the area of methodology. Those advocating revisions often suggested minor changes in language to improve clarity of

the IEP. Absence of any written policy describing the methodological adaptations available to a student presents a void or gap that prohibits consistent information from being presented to decision makers at the time of the IEP development. Identification of this information, correlating methodological adaptations to curricular areas is a critical step towards better description of the "specific services" requirement of P.L. 94-142.

Appropriate policy development would suggest a systematic approach to determining methodological adaptations for each exceptional student. This policy requirement would suggest that local and state educators would have to identify appropriate types of methodological adaptations that can be provided on behalf of a student.

content. Overwhelming agreement (88%) was given to the policy stating that each educational agency should identify resource personnel to all educational staff to be responsible for technical assistance to guide development of methodological adaptations.

BEHAVIORAL ADAPTATIONS

Overview

Frequently in the past, educational programs for students with emotional difficulties have been more behavior than academic related. This requirement, by necessity would require decision makers to consider behavioral information in the context of curricular needs. Clear written policies and procedures, which guide the flow of information from curricular studies and consider behavioral adaptations required by all students, will have the positive effect of increasing equal access to educational resources by exceptional students.

Response

Over 60% of the evaluators agreed with the policy statements in this area, with more than half indicating that the suggested policies are readily adaptable. Those suggesting minor revisions (15%) or having reservations (20%) about the appropriateness of these options expressed the need for further development of the concept, concern over the administrative and operational demands, and the lack of necessary personnel. However, it is interesting to note that only 8% of the evaluators disagreed with the policy statements relative to behavioral adaptations.

ENVIRONMENTAL ADAPTATIONS

Overview

Good educational policy and practice suggest that "environmental adaptation" must be considered prior to arriving at the decision of appropriate placement for each exceptional student. Once the environmental factors are reviewed and identified as appropriate, the next step would be to determine the specialized instruction required. Decision makers should now have enough information to determine the least restricitve environment, as set forth in the IEP, for a handicapped child. The final consideration focuses on the actual type of placement where the specialized instruction will take place.

Response

Evaluators indicated general agreement and adaptability with the policy statements relating to environmental adaptations. Over 75% agreed that resource personnel capable of providing information to guide adaptations of environmental considerations should be designated by each educational agency. Those reviewers expressing "reservations" again emphasized the limitations of personnel and present demands made of them. The percent of evaluators indicating adoptability of policy statements in this area ranged from 55% to 57%, with almost one-third classified as "no comment."

CONCLUDING STATEMENTS

The policy gap that exists to implement the least restrictive environment provisions can successfully be remedied by supplying more complete information to decision makers as they are developing the child's IEP. If the IEP is developed in the suggested order as presented in this policy options paper, the systematic process will result in completion of the formula LRE = I+S+P. Once the process of supplying information to decision makers is described, education agencies can then determine the appropriate policy options required to implement this process in order to determine the appropriate special education in the least restrictive environment(s) for each exceptional student.

PROFILE DATA ANALYSIS REPORT

Developed for POPs Project - July, 1979

POPs Paper # 1

Title Least Restrictive Environment (LRE)

Option Rating Key:

1 = Agree with Policy Option
2 = Disagree with Policy Option
3 = Undecided

Policy Option Statement	Option Rating 1	2	3	Comment on Appropriateness of Option (i.e. positive/negative effects)		Suggest Improvement for Clarity, organization, format, etc.		Feasibility of Policy Option for Adoption: Readily Adoptable: yes	no	No Comment
Policy Option Area #1: Curricular Adaptations										
1.1 Each education agency should have a written curriculum or course of studies for each subject and grade level (preschool through 12th grade).	85%	03%	12%	Appropriate Minor Reservations Inappropriate No Comment	62% 16% 01% 21%	Acceptable Minor Revisions Unacceptable No Comment	34% 27% 01% 38%	84%	14%	02%
1.2 Each education agency should require those who collect assessment information to report outcomes of that information in a manner that identifies at least the following: (a) present levels of performance of the student; (b) relationship of present levels to specific curricular areas.	86%	01%	13%	Appropriate Minor Reservations Inappropriate No Comment	43% 27% 03% 27%	Acceptable Minor Revisions Unacceptable No Comment	43% 14% 02% 41%	68%	13%	19%
1.3 Each education agency should develop a uniform data collection instrument to develop the IEP which will allow for the designation of curricular adaptations.	68%	11%	21%	Appropriate Minor Reservations Inappropriate No Comment	35% 29% 16% 20%	Acceptable Minor Revisions Unacceptable No Comment	32% 17% 10% 41%	54%	26%	20%

PROFILE DATA ANALYSIS REPORT

Developed for POPs Project - July, 1979

POPs Paper # 1

Title LRE

Option Rating Key:

1 = Agree with Policy Option
2 = Disagree with Policy Option
3 = Undecided

Policy Option Statement	Option Rating 1	2	3	Comment on Appropriateness of Option (i.e. positive/negative effects)	Suggest Improvement for Clarity, organization, format, etc.	Feasibility of Policy Option for Adoption — Readily Adoptable: yes	no	No Comment
1.4 Each education agency should provide technical assistance to all education staff so that they have the required competencies to identify needed curricular adaptations.	75%	06%	19%	Appropriate 48% Minor Reservations 24% Inappropriate 04% No Comment 24%	Acceptable 45% Minor Revisions 17% Unacceptable 03% No Comment 35%	55%	23%	22%
1.5 Because curricular adaptations are not required by P.L. 94-142, education policymakers will have to determine whether or not policy change is indicated to allow the development and maintenance, and monitoring/evaluation of curricular adaptations.	67%	12%	21%	Appropriate 42% Minor Reservations 20% Inappropriate 06% No Comment 32%	Acceptable 38% Minor Revisions 14% Unacceptable 04% No Comment 44%	53%	22%	25%
1.6 In this regard, education policymakers should determine whether change needs to occure in (a) regulations (b) board policy (c) guidelines (d) administrative procedures	63%	05%	32%	Appropriate 34% Minor Reservations 31% Inappropriate 02% No Comment 33%	Acceptable 17% Minor Revisions 35% Unacceptable 03% No Comment 45%	55%	14%	1%

PROFILE DATA ANALYSIS REPORT

Developed for POPs Project - July, 1979

POPs Paper # 1

Title LRE

Option Rating Key:

1 = Agree with Policy Option
2 = Disagree with Policy Option
3 = Undecided

Policy Option Statement	Option Rating 1	2	3	Comment on Appropriateness of Option (i.e. positive/negative effects)	Suggest Improvement for Clarity, organization, format, etc.	Feasibility of Policy Option for Adoption — Readily Adoptable: yes	no	No Comment
1.7 Each education agency should choose to defind curricular adaptations in degrees of restrictiveness.	64%	14%	22%	Appropriate 41% Minor Reservations 25% Inappropriate 03% No Comment 31%	Acceptable 36% Minor Revisions 21% Unacceptable 02% No Comment 41%	59%	17%	24%
Policy Option Area #2: Methodological Adaptations								
2.1 Each education agency should develop a resource manual of major types of methodological adaptations necessary to provide specially designed instruction.	62%	17%	21%	Appropriate 50% Minor Reservations 22% Inappropriate 12% No Comment 16%	Acceptable 31% Minor Revisions 18% Unacceptable 03% No Comment 48%	53%	22%	25%
2.2 Each education agency should identify competencies of staff in relation to methodological options for a handicapped student's curriculum.	68%	08%	24%	Appropriate 49% Minor Reservations 29% Inappropriate 01% No Comment 30%	Acceptable 33% Minor Revisions 12% Unacceptable 01% No Comment 54%	62%	08%	30%
2.3 Each education agency should define methodological adaptations in degrees of restrictiveness.	65%	12%	23%	Appropriate 44% Minor Reservations 18% Inappropriate 3% No Comment 35%	Acceptable 35% Minor Revisions 14% Unacceptable 03% No Comment 48%	47%	16%	37%
2.4 Each education agency should deter-								

PROFILE DATA ANALYSIS REPORT

Developed for POPs Project - July, 1979

POPs Paper # 1

Title LRE

Option Rating Key:

1 = Agree with Policy Option
2 = Disagree with Policy Option
3 = Undecided

Policy Option Statement	Option Rating 1	2	3	Comment on Appropriateness of Option (i.e. positive/negative effects)		Suggest Improvement for Clarity, organization, format, etc.		Feasibility of Policy Option for Adoption: Readily Adoptable: yes	no	No Comment
mine whether or not policy change is indicated to allow the development and maintenance, and monitoring/evaluation of methodological adaptations.	65%	15%	20%	Appropriate Minor Reservations Inappropriate No Comment	40% 20% 03% 37%	Acceptable Minor Revisions Unacceptable No Comment	35% 14% 01% 50%	48%	14%	38%
2.5 Each education agency should identify "resource personnel" to all education staff to be responsible for technical assistance to guide development of methodological adaptations.	88%	01%	11%	Appropriate Minor Reservations Inappropriate No Comment	54% 12% 01% 33%	Acceptable Minor Revisions Unacceptable No Comment	42% 5% 01% 52%	47%	12%	41%
2.6 Each education agency should determine if methodological adaptations will be linked to curricular adaptations.	64%	14%	22%	Appropriate Minor Reservations Inappropriate No Comment	40% 17% 05% 22%	Acceptable Minor Revisions Unacceptable No Comment	40% 5% 03% 47%	46%	12%	42%
Policy Option Area #3: Behavior Adaptations 3.1 Each education agency should determine classes of behavior that can facilitate or constrain educational learning.	68%	12%	20%	Appropriate Minor Reservations Inappropriate No Comment	52% 23% 03% 22%	Acceptable Minor Revisions Unacceptable No Comment	34% 14% 03% 49%	50%	14%	36%

PROFILE DATA ANALYSIS REPORT

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POPs Paper # 1

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3 = Undecided

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3.2 Each education agency should determine whether or not behavioral needs are linked to educational needs.	66%	09%	25%	Appropriate Minor Reservations Inappropriate No Comment	47% 17% 03% 33%	Acceptable Minor Revisions Unacceptable No Comment	32% 17% 03% 48%	57%	08%	35%
3.3 Each education agency should describe classes of behavior and/or intervention strategies in degrees of restrictiveness.	68%	06%	26%	Appropriate Minor Reservations Inappropriate No Comment	44% 24% 02% 30%	Acceptable Minor Revisions Unacceptable No Comment	31% 16% 02% 51%	50%	12%	38%
3.4 Each education agency should develop criteria to determine when behavior adaptations are less frequently required for the student.	69%	09%	22%	Appropriate Minor Reservations Inappropriate No Comment	45% 19% 05% 31%	Acceptable Minor Revisions Unacceptable No Comment	37% 08% 03% 52%	48%	10%	42%
3.5 Each education agency should designate resource personnel responsible for providing information to guide development of behavioral adaptations.	79%	9%	12%	Appropriate Minor Reservations Inappropriate No Comment	45% 14% 02% 39%	Acceptable Minor Revisions Unacceptable No Comment	31% 12% 02% 55%	59%	10%	31%
3.6 Each education agency should require those who collect behavioral assessment information to report out-	67%	6%	27%	Appropriate Minor Reservations Inappropriate No Comment	34% 26% 07% 33%	Acceptable Minor Revisions Unacceptable No Comment	32% 19% 02% 47%	45%	19%	36%

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comes of that information in a manner that identifies the following: (a) relationship of behavior to curriculum areas; (b) relationship of behavior to methodological adaptations.								
3.7 Each education agency should determine if these requirements result in a change in the following policy areas: (a) regulations (b) board policy (c) guidelines (d) administrative procedures	68%	6%	26%	Appropriate 41% Minor Reservations 14% Inappropriate 2% No Comment 43%	Acceptable 32% Minor Revisions 14% Unacceptable 2% No Comment 52%	56%	11%	33%
Policy Option Area #4: Environmental Adaptations 4.1 Each education agency should determine classes of environmental considerations that can facilitate or contrain learning.	67%	10%	23%	Appropriate 48% Minor Reservations 19% Inappropriate 07% No Comment 26%	Acceptable 32% Minor Revisions 17% Unacceptable 02% No Comment 49%	55%	12%	33%

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Policy Option Statement	Option Rating 1	2	3	Comment on Appropriateness of Option (i.e. positive/negative effects)		Suggest Improvement for Clarity, organization, format, etc.		Feasibility of Policy Option for Adoption — Readily Adoptable: yes	no	No Comment
4.2 Each education agency should determine whether or not environmental needs are linked to educational needs.	62%	12%	26%	Appropriate Minor Reservations Inappropriate No Comment	40% 19% 08% 33%	Acceptable Minor Revisions Unacceptable No Comment	35% 15% 02% 48%	57%	12%	31%
4.3 Each education agency should describe classes of environmental interventions in degrees of restrictiveness.	64%	14%	22%	Appropriate Minor Reservations Inappropriate No Comment	37% 24% 02% 37%	Acceptable Minor Revisions Unacceptable No Comment	28% 16% 02% 54%	57%	14%	29%
4.4 Each education agency should designate resource personnel capable of providing information to guide adaptations of environmental considerations.	76%	8%	16%	Appropriate Minor Reservations Inappropriate No Comment	38% 19% 2% 41%	Acceptable Minor Revisions Unacceptable No Comment	29% 18% 2% 51%	57%	16%	27%
4.5 Each education agency should determine if these requirements change policy in: (a) regulations; (b) board policy; (c) guidelines; (d) administrative procedures.	67%	10%	23%	Appropriate Minor Reservations Inappropriate No Comment	33% 19% 02% 46%	Acceptable Minor Revisions Unacceptable No Comment	26% 19% 02% 53%	59%	12%	29%

80

81

APPENDIX A

THE LEAST RESTRICTIVE ENVIRONMENT: SELECTED STATUTES AND REGULATIONS

84

APPENDIX A

THE LEAST RESTRICTIVE ENVIRONMENT:
SELECTED STATUTES AND REGULATIONS

Listed below are the pertinent sections of Public Law 94-142, The Education for All Handicapped Children Act of 1975 and Section 504 of the Rehabilitation Act of 1973, and their subsequent Regulations relating to the Least Restrictive Environment mandates. The exact language is included in this Appendix to facilitate easy reference while reading the analysis contained throughout this policy options paper.

Public Law 94-142 *	Section 504 *
Sec. 612. In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met: "(5) The State has established (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.	Sec. 504. No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
*Source: U.S. Congress. Public Law 94-142 (The Education for All Handicapped Children Act of 1975), 20 U.S.C. 1412	*Source: U.S. Congress. Public Law 93-112 (Rehabilitation Act of 1973), Section 504, 29 U.S.C. 794

Public Law 94-142 Regulations*	Section 504 Regulations*

LEAST RESTRICTIVE ENVIRONMENT

Sec. 121a.550. General

(a) Each State educational agency shall insure that each public agency establishes and implements procedures which meet the requirements of Secs. 121a.550-121a.556.

(b) Each public agency shall insure:

(1) That to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and

(2) That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that eduction in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (20 U.S.C. 1412(5)(B); 1414(a)(1)(C)(iv).)

Sec. 84.34. Educational setting

(a) Academic setting. A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

(b) Nonacademic settings. In providing or arranging for the provision of nonacademic and extracurricular services and and activities, including meals, recess periods, and the services and activities set forth in Sec. 84.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

(c) Comparable facilities. If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

Sec. 121a.551. Continuum of alternative placements

(a) Each public agency shall insure that a continuum of alternative placements is available to meet the needs of handicapped children for special education and related services.

Sec. 84.35. Evaluation and placement

(c) Placement procedures. In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, includ-

(b) The continuum required under paragraph (a) of this section must:

(1) Include the alternative placements listed in the definition of special education under Sec. 121a.13 of Subpart A (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions), and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. (20 U.S.C. 1412(5)(B))

Sec. 121a.552. Placements

Each public agency shall insure that:

(a) Each handicapped child's educational placement:

(1) Is determined at least annually,

(2) Is based on his or her individualized education program, and

(3) Is as close as possible to the child's home;

(b) The various alternative placements included under Sec. 121a.551 are available to the extent necessary to implement the individualized education program for each handicapped child;

(c) Unless a handicapped child's individualized education program requires some other arrangements, the child is educated in the school which he or she would attend if not handicapped; and

(d) In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs. (20 U.S.C. 1412(5)(B)).

ing aptitute and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is made in conformity with Sec. 84.34.

(d) Reevaluation. A recipient to which this section applies shall establish procedures, in accordance with paragraph (b) of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act is one means of meeting this requirement.

Sec. 121a.553. Nonacademic settings

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in Sec. 121a.306 of Subpart C, each public agency shall insure that each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child. (20 U.S.C. 1412(5)(B))

Sec. 121a.554. Children in public or private institutions

Each State educational agency shall make arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures) as may be necessary to insure that Sec. 121a.550 is effectively implemented. (20 U.S.C. 1412(5)(B))

Sec. 121a.555. Technical assistance and training activities

Each State educational agency shall carry out activities to insure that teachers and administrators in all public agencies:

(a) Are fully informed about their responsibilities for implementing Sec. 121a.550, and

(b) Are provided with technical assistance and training necessary to assist them in this effort. (20 U.S.C. 1412(5)(B))

Sec. 121a.556. Monitoring activities

(a) The State educational agency shall carry out activities to insure that Sec. 121a.550 is implented by each public agency.

(5) If there is evidence that a public agency makes placements that are inconsistent with Sec. 121a.550 of this subpart, the State educational agency:

(1) Shall review the public agency's justification for its actions, and

(2) Shall assist in planning and implementing any necessary corrective action. (20 U.S.C. 1412(5)(B))

*Source: P.L. 94-142 Regulations, Federal Register, Vol. 42, No. 163, August 23, 1977

Sec. 84.37. Nonacademic services

(a) Genral. (1) A recipient to which this subpart applies shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

(2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipient, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment.

(b) Counseling services. A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped sutdents with similar interests and abilities.

(c) Physical education and athletics. (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different from those offered to nonhandicapped students only if separation or differentiation is consistent with the requirements of Sec. 84.34 and only if no qualified handicapped student is denied the opportun ity to conpete for teams or to participate in courses that are not separate or different.

*Source: Section 504 Regulations, Federal Register, Vol. 42, No. 86, May 4, 1977

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